IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 30091 of 2006(G)

PETITIONER:

BASIYATH,
OSARUVEETIL HOUSE, CHAVAKKAD.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:
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1. **THE REGIONAL TRANSPORT AUTHORITY,**
   THRISSUR, REP. BY ITS SECRETARY.

2. **THE SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY, THRISSUR.

3. **THE STATE TRANSPORT APPELLATE TRIBUNAL,**
   ERNAKULAM.

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C NO.30091/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ROUGH SKETCH OF THE ROUTE DT. NIL.

EXT.P2:- COPY OF THE PROPOSED TIME SCHEDULE DT. NIL.

EXT.P3:- COPY OF THE PROCEEDINGS DT.14.6.06.

EXT.P4:- COPY OF THE APPEAL MEMORANDUM DT. 14.8.06.

EXT.P5:- COPY OF THE JUDGMENT DT. 19.9.06 IN M.V.A.A. NO.407/06.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 30091 OF 2006-G

JUDGMENT

The petitioner has been granted a regular permit by the R.T.A., Thrissur by Ext.P3 proceedings dated 14.6.2006, to operate on the route Chavakkad – Ayodhyanagar – Guruvayur – Kunnamkulam – Venmanad via Blangad Beach, Baby Road, Arthat, Pavaratty and Manapady as ordinary service. There was a specific direction in the order granting the permit that all trips should traverse through the ill-served portions between Ayodhyanagar and Chavakkad and Pavaratty and Venmanad. The petitioner submits, if the bus is to touch those two sectors for all the trips, it will be impossible to go to Guruvayur or Kunnamkulam. So, he challenged Ext.P3 to the extent it contains the above objectionable condition, by filing an appeal before the S.T.A.T. The Tribunal dismissed the said appeal by Ext.P5 judgment. This Writ Petition is filed, challenging Exts.P3 and P5. According to the petitioner, the condition imposed is impossible of performance.

2. A counter affidavit has been filed on behalf of respondents 1 and 2, stating that the condition has been imposed in public interest, to have more trips through the ill-served portions.

3. The 2nd respondent is directed to settle the time schedule and issue the permit granted as per Ext.P3 within two months from the date of production of a copy of this judgment. While settling the time schedule, the petitioner's grievance that it is impossible to operate the service with the stipulation that all trips should cover the sector between Ayodhyanagar and Chavakkad and Pavaratty to Venmanad, should be looked into by the said respondent. If the said contention is found to be correct, the Secretary, R.T.A., will be free to appropriately modify the time schedule. In that case also, the maximum trips should be through the aforementioned ill-served sector.

The Writ Petition is disposed of as above.

2nd March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/